

# RESOLUTIONS 2012-13 SESSION

	Date of Meeting	Title of Resolution	Action	Response of Administration
12/1	5-11-12	A Resolution to Endorse Amendments to The George Washington University Policy on Conflicts of Interest and Commitment for Faculty and Investigators	Adopted 5-11-12	Administration concurs; approved by the Board of Trustees at its meeting May 17, 2012[to view the Policy as adopted see the 5-11-12 Senate minutes at <a href="http://www.gwu.edu/~facsen">www.gwu.edu/~facsen</a>
12/2	5-11-12	A Resolution on Information Systems Needed to Support Faculty Research Efforts	Adopted 5-11-12	The Office of the Vice President for Research will work with the Senate Research Committee and the Advisory Council on Research to plan improvements to the information systems that support research. We expect that these improvements will happen over the next few years.
12/3	9-14-2012	A Resolution to confirm the Emergency Action of the Faculty Senate Executive Committee Approving an Interim Policy and Procedures for Sexual Harassment and Violence for the 2012-13 Academic Year (12/3)	Adopted as amended, September 14, 2012	Administration concurs
12/5	4-12-13	A Resolution of Appreciation (for Michael S. Castleberry)	Adopted 4-12-13	Administration concurs completely



# RESOLUTIONS 2012-13 SESSION

	Date of Meeting	Title of Resolution	Action	Response of Administration
12/4	Intro: 11/9/12 12/14/12 1/11/13	A Resolution to Amend the Procedures for the Implementation of the Faculty Code with Respect to Dean Searches (12/4)	Adopted January 11, 2013	Transmitted to Administration; Action on this Resolution by the Administration and Board of Trustees will be postponed pending the Board of Trustee's review of the <i>Faculty Code</i> .
12/5	4-12-13	A Resolution of Appreciation (for Michael S. Castleberry)	Adopted 4-12-13	Administration endorses completely.



Campbell, Sue <lsbc@email.gwu.edu>

## Senate Resolutions - Administrative Responses

1 message

**Linda Sue Campbell** <lsbc@gwu.edu>

Fri, Jul 19, 2013 at 1:02 PM

Reply-To: lsbc@gwu.edu

To: Steve Lerman <Lerman@gwu.edu>

Cc: Dianne Martin <dmartin@gwu.edu>, "(Michelle) Beth Lee" <escher@gwu.edu>, Amy Aldrich <aaldrich@gwu.edu>

Dear Steve:

On behalf of the Senate Executive Committee,  
I am forwarding Senate resolutions to you for the  
Administration's response.

It has been our custom to send these up each  
year over the summer months and include only  
those from the most recently concluded session.  
However, as times have changed and the pace  
of life has accelerated, we find ourselves sending  
these up long before. That makes recordkeeping  
a little more difficult, but clearly we are likely  
going to have to move to just sending these up  
sooner rather than later.

So that you can review the Resolutions on which  
we need a response, I am including Resolutions 12/2 (Research),  
12/4 (Dean Searches - transmitted in time for the  
May Board meeting, but uncertain what happened  
with it -- I understand it did not go to the Board).

Also, 12-5 (Appreciation for Prof. Castleberry) and  
13/1 (Harrassment - already transmitted May 10, but  
I don't know it's fate)

I am also including the usual chart. And that will illustrate  
the point that it contains one resolution (12/1) already dealt with,  
and another (13/1) from the first meeting of the 2013-14 session.

I don't expect you to fill this thing out, it's for guidance  
only.

I've also put on the chart what I think the responses to the  
extent that I know them.

To make this easy, I hope, if you just want to scribble on each  
resolution or even the chart, what the Admin response is and have that  
sent over, I'm happy to fill out the recordkeeping end.

It would be helpful to have this information before the Executive  
Committee meeting on August 23rd, as the responses are published  
with the agenda for the September Senate meeting and form part of the  
Executive Committee's annual report.

Copying Beth, Amy, and V. Prov. Martin. Do let me know if this should go





to President Knapp's office via Barbara Porter as I am not positive what the coordination factor is for the Admin. Response we receive.

Thanks very much. And when your vacation rolls around next week I do hope you enjoy it.

Sue Campbell, Coordinator  
Faculty Senate Activities  
Old Main, Suite 400  
4-7198

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**5 attachments**



**Resolution12-2.pdf**  
15K



**AdoptedResolution12-4.pdf**  
17K



**AdoptedResolution12-5.pdf**  
75K



**AdoptedSenateResolution13-1[1].pdf**  
150K



**FinalResTabfor2012-13.doc**  
56K

**A RESOLUTION TO ENDORSE AMENDMENTS TO THE GEORGE WASHINGTON  
UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR  
FACULTY AND INVESTIGATORS (12/1)**

**WHEREAS**, the Faculty Senate has previously adopted resolutions endorsing the original adoption of the University's Policy on Conflicts of Interest and Commitment for Faculty and Investigators (the "University Policy"), including its attached disclosure forms (Appendices A and B), as well as subsequent amendments thereto; and

**WHEREAS**, the University Administration has advised the Faculty Senate that the Department of Health and Human Services ("DHHS") has recently issued revised conflict of interest requirements for Investigators who conduct research sponsored by the National Institutes of Health and other agencies administered by the Public Health Service ("PHS"); and

**WHEREAS**, a joint committee composed of administration and faculty representatives has proposed amendments to the University Policy, including a new Appendix C to be completed by Investigators conducting research sponsored by PHS-administered agencies; and

**WHEREAS**, the University Administration has advised the Faculty Senate that the proposed amendments to the University Policy, in the form attached to this Resolution as Exhibit A (unmarked) and Exhibit B (marked to show changes from the current University Policy), are necessary to enable the University to comply with the revised conflict of interest requirements issued by DHHS for Investigators who conduct research sponsored by PHS-administered agencies; and

**WHEREAS**, the Faculty Senate Committee on Professional Ethics and Academic Freedom has reviewed and endorsed the proposed amendments to the University Policy, including the new Appendix C thereto, in the form attached to this Resolution as Exhibits A and B; and

**WHEREAS**, the Faculty Senate believes that the proposed amendments to the University Policy, as shown on Exhibits A and B attached to this Resolution, are consistent with the best interests of the University and its faculty; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY:**

- (1) That the Faculty Senate hereby endorses amendments to the University's Policy on Conflicts of Interest and Commitment for Faculty and Investigators (the "University Policy"), including a new Appendix C thereto, in the form attached to this Resolution as Exhibit A (unmarked) and Exhibit B (marked to show changes from the current University Policy); and
- (2) That the Faculty Senate understands and expects that future proposed amendments to the University Policy (including its Appendices) will be presented to the Faculty Senate for its review and recommendations in accordance with the procedures followed in connection with the adoption of this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
April 9, 2012

**Adopted May 11, 2012**

## **A RESOLUTION ON INFORMATION SYSTEMS NEEDED TO SUPPORT FACULTY RESEARCH EFFORTS (12/2)**

- Whereas: Principal investigators and sponsored research staff are responsible for monitoring grants and contracts, purchasing and maintain equipment, buying materials, subcontracting to various vendors of services and for the appointment and compensation of research staff
- Whereas: these tasks cannot be accomplished efficiently and effectively without access to timely information on past expenditures and projections of future financial commitments over the life of a grant or contract which extends over several years
- Whereas: the current information provided on periodic paper reports to principal investigators and staff is neither timely nor informative regarding past expenditures and has no capacity to update and forecast future expenditures; indeed, currently multi-year grants appear as a series of one year projects
- Whereas: the lack of timely and comprehensive financial information hampers principal investigators and university administrators in complying with their fiduciary responsibility to monitor past expenditures and future commitments, and detracts from the time available to conduct research and pursue funding
- Whereas: current systems do not integrate grant application with budgeting, accounts payable, or human resources and do not permit analysis of financial flows over the several years of a grant or contract because human resources, grant application, and budgeting systems do not "talk" to one another
- Whereas: systems have been developed at other universities that provide electronic access to current financial statements from the point of grant application through final closeout, allow inquiry by the user, and allow monitoring of both past expenditure and projection of future expenditure patterns so that these can be compared with expected resources
- Whereas: if the University is to move into the first ranks of research institutions, its information systems must be competitive with those available elsewhere, and
- Whereas: such information systems, if implemented at the University, would facilitate the operations of the Office of Sponsored Research in addition to the substantial benefits to faculty engaged in sponsored research, NOW, THEREFORE,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

1. That the Faculty Senate recommends that the University administration and the Board of Trustees provide funding to purchase and install the software required to implement a financial information system for sponsored projects competitive with the systems at other research institutions; and
2. that this effort be conducted in consultation with the Senate Research Committee and the Advisory Council on Research to insure that the information systems are useful and used by faculty participating in sponsored research and the staff with whom they work.

**Adopted by the Senate Committee on Research 23 March 2012, Anthony Yezer, Chair**

**Adopted, May 11, 2012**

**A RESOLUTION TO CONFIRM THE EMERGENCY ACTION OF THE FACULTY SENATE EXECUTIVE COMMITTEE APPROVING AN INTERIM POLICY AND PROCEDURES FOR SEXUAL HARASSMENT AND VIOLENCE FOR THE 2012-13 ACADEMIC YEAR (12/3)**

WHEREAS, in Resolution 05/1, adopted on May 13, 2005, The Faculty Senate endorsed the Policy and Procedures for Sexual harassment which was proposed by the *Ad Hoc* University Committee on the Sexual Harassment Policy and Procedures; and

WHEREAS, in Resolution 05/1, the Faculty Senate determined that the endorsed Sexual Harassment Policy and Procedures satisfied the following objectives: (i) prohibiting sexual harassment by any student, staff member, faculty member, or other persons in the University community; (ii) encouraging reporting of sexual harassment before it becomes severe or pervasive; (iii) identifying persons in the University Administration to whom incidents of sexual harassment may be reported; (iv) prohibiting retaliation against persons who bring sexual harassment complaints; (v) assuring confidentiality to the full extent consistent with the need to resolve complaints of sexual harassment appropriately and fairly; (vi) assuring that allegations of sexual harassment will be properly, thoroughly, and impartially addressed with appropriate regard for the interests of the persons involved and principles of fairness and due process; and, (vii) providing for appropriate corrective action to be taken against persons who have engaged in sexual harassment; and,

WHEREAS, the current policy has been determined to be deficient following guidance provided by attorneys from the Department of Education regarding procedures universities must follow under TITLE IX. Specifically, the policy is required to: (i) convey the kinds of conduct that constitutes sexual harassment, including sexual assault and other forms of sexual violence; (ii) clarify that requiring the parties to mediate is not an option for resolving sexual assault complaints; (iii) provide equitable processes for both parties, including similar and timely access to any information used at a hearing; and, (d) designate reasonable but specific time frames for the major stages of the complaint; and,

WHEREAS, a working group in consultation with Provost Lerman, Vice President and General Counsel Nolan, and Executive Vice President Katz has developed a Sexual Harassment and Sexual Violence Policy and Procedures and recommends adoption on an interim basis effective immediately; and,

WHEREAS, Provost Lerman has requested that the Faculty Senate approve this Interim Policy for the 2012-13 academic year, effective immediately; and,

As amended by the Senate Executive Committee, September 7, 2012

WHEREAS, adopting this Interim Policy immediately will: (i) ensure that all cases appearing in the current academic year may be adjudicated under the Interim Policy; (ii) provide ample time for Faculty Senate Committees to review the final Policy before its approval by the Faculty Senate (iii) respond affirmatively to Department of Education guidance; and,

WHEREAS, the Executive Committee of the Faculty Senate on August 28, 2012, pursuant to its authority under Section 5(b)(6) of the Faculty Organization Plan, "to act on behalf of the Senate in emergencies on matters requiring immediate action when it is not feasible to call a special meeting of the Senate, such action to be reported to the Senate for confirmation at its next regular meeting" approved the Interim Policy for the remainder of the 2012-13 academic year, with the proviso that the Faculty Senate would confirm that decision at the next regular meeting;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

1. That the action of the Senate Executive Committee of August 28, 2012 granting emergency approval for implementation of the "SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES" for the 2012-2013 Academic Year, is confirmed by the Faculty Senate, and, further,
2. That the final Policy is understood to be subject to review and recommendations by appropriate Faculty Senate Committees which will take place over the current academic year, followed by final consideration of these recommendations by the Faculty Senate.

**ATTACHMENTS:** SEXUAL HARASSMENT AND SEXUAL VIOLENCE INTERIM POLICY AND PROCEDURES (including redline version).

Faculty Senate Executive Committee, September 6, 2012

Adopted as amended September 14, 2012



**A RESOLUTION TO AMEND THE *PROCEDURES FOR THE  
IMPLEMENTATION OF THE FACULTY CODE* WITH RESPECT TO  
DEAN SEARCHES (12/4)**

- WHEREAS,** Article IX.A. of the *Faculty Code* provides: "The regular, active-status faculty shares with officers of administration the responsibility for effective operation of the departments and schools and the University as a whole. In the exercise of this responsibility, the regular, active-status faculty plays a role in decisions on . . . the appointment of . . . deans"; and,
- WHEREAS,** Part C.2.b) of the *Procedures for the Implementation of the Faculty Code* ("*Code Procedures*") provides that the University may appoint the dean of a School only after a search committee consisting of tenured faculty members of that School ("Faculty Dean Search Committee"), who have been elected by the regular, active-status faculty of that School, has "considered nominations, and reported its recommendations . . . to the faculty that elected it or to the appropriate academic administrative officer" as provided in the School's bylaws; and
- WHEREAS,** Resolution 90/9 adopted by the Faculty Senate on December 14, 1990 (copy attached as Exhibit A), approved guidelines that (i) permit representatives of students and alumni to provide recommendations to the Faculty Dean Search Committee and to participate in interviews of decanal candidates, and (ii) permit the Provost to "name an academic administrator . . . to participate as an advisor" to the Faculty Dean Search Committee; and
- WHEREAS,** in recent years representatives of students and alumni, academic administrators and members of the Board of Trustees have been appointed to serve as non-voting members of Dean Search Committees in several Schools; and
- WHEREAS,** the participation of non-voting members on Dean Search Committees is not expressly authorized by the *Code Procedures*; and
- WHEREAS,** the Faculty Senate believes that the *Code Procedures* should be amended to authorize the inclusion of non-voting members on Dean Search Committees and to establish appropriate guidelines for their participation; and
- WHEREAS,** the Faculty Senate believes that the *Code Procedures* should also be amended to permit students, staff, non-tenured faculty members and alumni (with the approval of the Dean Search Committee, after consultation with the Provost) to meet with candidates who have been



selected for final interviews and provide their recommendations to the Faculty Dean Search Committee in accordance with Resolution 90/9; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE  
GEORGE WASHINGTON UNIVERSITY**

- (1) That Part C.2. of the *Procedures for the Implementation of the Faculty Code* be amended by adding a new paragraph c), which shall read as follows:

“c) The committee of tenured faculty members elected pursuant to the first sentence of paragraph b) above shall be designated as the “Faculty Dean Search Committee,” and those elected tenured faculty members shall be the voting members of the committee organized to conduct a dean search (the “Dean Search Committee”). Non-voting members of the Dean Search Committee may be invited for membership (with the concurrence of the appropriate Faculty, or, if so designated by the Faculty, the Faculty Dean Search Committee) and may include appropriate representatives of interested constituencies, including non-tenured faculty, students and alumni, as well as an academic administrator appointed by the Provost and a University Trustee appointed by the Board of Trustees. After receiving recommendations from the non-voting members of the Dean Search Committee, the Faculty Dean Search Committee shall hold executive sessions to deliberate and vote on (i) criteria for selecting a new dean, (ii) the selection of candidates for preliminary and final interviews, and/or (iii) the selection of nominees to be presented to the faculty or to the appropriate academic administrative officer in accordance with the first sentence of paragraph b). In addition, the Dean Search Committee (after consultation with the Provost) may invite students, staff, non-tenured faculty members and alumni to meet with candidates chosen for final interviews and provide their recommendations to the Dean Search Committee.

- (2) That Part C.2. of the *Procedures for the Implementation of the Faculty Code* be amended by designating existing paragraph c) as paragraph d).

Faculty Senate Committee on Professional Ethics and Academic Freedom

December 20, 2012

Adopted, January 11, 2013

## **A RESOLUTION OF APPRECIATION (12/5)**

WHEREAS, MICHAEL S. CASTLEBERRY, Professor of Special Education and Disability Studies in the Graduate School of Education and Human Development, has earned the highest level of respect, gratitude, appreciation, and admiration from the University community; and

WHEREAS, his term of service on the Executive Committee of the Faculty Senate has reached its statutory limit; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following citation be issued:

Professor Michael S. Castleberry has provided distinguished service as Chair of the Executive Committee of the Faculty Senate. He has served on the Executive Committee for six years, including the last three years as Chair. Overall, he has served as a member of the Faculty Senate for 22 years. As required by Senate regulations, he now concludes his term on the Executive Committee after three years of consecutive service.

As Chair of the Executive Committee, Professor Castleberry has provided outstanding leadership to the University by managing the faculty's role in shared governance with remarkable diligence, skill, and above all, diplomacy. In addition to chairing the Executive Committee, he has also chaired or co-chaired the committees on Honors and Academic Convocations, University Development and Resources, University and Urban Affairs, and the Joint Committee of Faculty and Students, and been a member of the committees on Research, Student Financial Aid, and Educational Policy.

The members of the Senate especially recognize his deep dedication to the faculty's role in university decision-making, his endless contribution of time and energy to Senate and other university activities, and his collegial respect for the many university colleagues with whom he has worked. He has handled his many and important duties with unfailing grace and good humor.

THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY  
HEREBY EXPRESSES ITS DEEPEST APPRECIATION AND PROFOUND GRATITUDE TO  
PROFESSOR MICHAEL S. CASTLEBERRY  
FOR HIS DISTINGUISHED SERVICE

Steven Knapp  
Steven Knapp  
President

April 12, 2013

// SEAL //

Adopted by acclamation, April 12, 2013



Campbell, Sue <lsbc@email.gwu.edu>

## Transmitting Resolution 13-1 concerning the Sexual Harassment and Violence Policy

1 message

Linda Sue Campbell <lsbc@gwu.edu>

Fri, May 10, 2013 at 6:14 PM

Reply-To: lsbc@gwu.edu

To: Steve Lerman <Lerman@gwu.edu>, Terri Reed <treed@email.gwu.edu>

Cc: Amy Aldrich <aaldrich@gwu.edu>, Keely Walston <kwalston@email.gwu.edu>, porter <porter@gwu.edu>, Kelly Leon <kleon@gwu.edu>, Gloria McGhee <gmcghee@gwu.edu>, rehman <rehman@gwu.edu>

Bcc: Linda Sue Campbell <lsbc@gwu.edu>, "(Michelle) Beth Lee" <escher@gwu.edu>

Everyone:

I have been directed by the Senate Executive Committee to transmit the attached Resolution, adopted as amended at the Senate meeting on Friday, May 10, 2013 to the administration for its response. This is in the event it needs to be in hand before the Board of Trustees meeting taking place later this week.

Please note that I have forwarded only the Resolution itself as I am unsure exactly in what form materials go to the Board if that is where they are to go. The attachments to Resolution 13-1 can be found on the Senate website with the agenda for the May 10 meeting, and if needed can easily be saved and the amended resolution substituted for the one published with the agenda.

[http://www.gwu.edu/%7Efacsen/faculty\\_senate/pdf/Agenda5-10-13.pdf](http://www.gwu.edu/%7Efacsen/faculty_senate/pdf/Agenda5-10-13.pdf)

I am copying this to:

Amy Aldrich and Beth Lee for Provost Lerman, Keely Walston for Vice Provost Reed,  
and Barbara Porter, Kelly Leon, and Gloria McGhee for President Knapp

Senate Executive Committee Chair Rehman

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Sue Campbell, Coordinator  
Faculty Senate Activities  
Old Main, Suite 400  
4-7198

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 **AdoptedSenateResolution13-1.pdf**  
156K

## **A RESOLUTION TO RECOMMEND ADOPTION OF THE SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES (13/1)**

WHEREAS, the members of the George Washington University Faculty Senate believe that students, faculty, and staff have a right to work and study in an atmosphere free from sexual harassment and sexual violence; and

WHEREAS, the members of the George Washington University Faculty Senate recognize the importance of fostering a campus climate in which sexual harassment and sexual violence is prevented, reported, and adjudicated appropriately and fairly; and

WHEREAS, in Resolution 05/1, adopted on May 13, 2005, The Faculty Senate endorsed the Policy and Procedures for Sexual harassment which was proposed by the *Ad Hoc* University Committee on the Sexual Harassment Policy and Procedures; and,

WHEREAS, in Resolution 05/1, the Faculty Senate determined that the endorsed Sexual Harassment Policy and Procedures satisfied the following objectives: (i) prohibiting sexual harassment by any student, staff member, faculty member, or other persons in the University community; (ii) encouraging reporting of sexual harassment before it becomes severe or pervasive; (iii) identifying persons in the University Administration to whom incidents of sexual harassment may be reported; (iv) prohibiting retaliation against persons who bring sexual harassment complaints; (v) assuring confidentiality to the full extent consistent with the need to resolve complaints of sexual harassment appropriately and fairly; (vi) assuring that allegations of sexual harassment will be properly, thoroughly, and impartially addressed with appropriate regard for the interests of the persons involved and principles of fairness and due process; and, (vii) providing for appropriate corrective action to be taken against persons who have engaged in sexual harassment; and,

WHEREAS, from May 2005 to May 2012, while the Policy and Procedures for Sexual Harassment endorsed by Resolution 05/1 continued in operation, the University Administration did not inform the Faculty Senate of any incidents where the Policy and Procedures were found to have been inadequate

WHEREAS, the Obama administration, under the leadership of Vice President Biden, has taken a very proactive position on Violence Against Women<sup>1</sup> and has instructed the Department of Education, Office for Civil Rights, to provide further guidance to Universities through a "Dear Colleague Letter" under Title IX of the Civil Rights Act of 1964 and its amendments.

WHEREAS, the Dear Colleague Letter states:

*"Education has long been recognized as the great equalizer in America. The U.S. Department of Education and its Office for Civil Rights (OCR) believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime."*

WHEREAS, the "Dear Colleague Letter" further states:

*"The statistics on sexual violence are both deeply troubling and a call to action for the nation. A report prepared for the National Institute of Justice found that about 1 in 5 women are victims of completed or attempted sexual assault while in college.<sup>3</sup> The report also found that approximately 6.1 percent of males were victims of completed or attempted sexual assault during college.<sup>4</sup> According to data collected under the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), in 2009, college campuses reported nearly 3,300 forcible sex offenses as defined by the Clery Act.<sup>5</sup> This problem is not limited to college. During the 2007-2008 school year, there were 800 reported incidents of rape and attempted rape and 3,800 reported incidents of other sexual batteries at public high schools.<sup>6</sup> Additionally, the likelihood that a woman with intellectual disabilities will be sexually assaulted is estimated to be significantly higher than the general population.<sup>7</sup> The Department is deeply concerned about this problem and is committed to ensuring that all students feel safe in their school, so that they have the opportunity to benefit fully from the school's programs and activities."*

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"Under the leadership of then-Senator Joe Biden, Congress recognized the severity of violence against women and our need for a national strategy with the enactment of the Violence Against Women Act in 1994. This landmark federal legislation's comprehensive approach to violence against women combined tough new provisions to hold offenders accountable with programs to provide services for the victims of such violence." [White House Fact Sheet]

And,

WHEREAS, the GWU policy adopted through resolution 05/1 has been determined by attorneys from the U. S. Department of Education, Office for Civil Rights, to be deficient under TITLE IX. Specifically, the policy is required to: (i) convey the kinds of conduct that constitutes sexual harassment, including sexual assault and other forms of sexual violence; (ii) clarify that requiring the parties to mediate is not an option for resolving sexual assault complaints; (iii) provide equitable processes for both parties, including similar and timely access to any information used at a hearing; and, (d) designate reasonable but specific time frames for the major stages of the complaint; and,

WHEREAS, The penalty for failure to comply with Title IX in the most extreme circumstances can include the termination of all or part of an institution's federal funding, including grants, subsidies, Pell grants, scholarships and other program funds from the federal government; and,

WHEREAS, in addition to the loss of federal funds, universities may be sued by those seeking redress for violations of Title IX; and,

WHEREAS, GWU administrators and counsel have expressed very strong concern about jeopardizing all GWU federal funding by deviating from the spirit of the "Dear Colleague Letter" and making the university vulnerable to lawsuits under violations of Title IX; and,

WHEREAS, the Faculty Senate Committee on Professional Ethics and Academic Freedom (PEAF) sent a proposed revision of the policy which was agreeable to the Department of Education to a wide spectrum of the GWU community requesting input which resulted in an excellent and substantive response;

WHEREAS, based on the response from the university community, PEAF recommended 21 modifications of the policy, from which the administration accepted most of the recommendation and provided satisfactory explanations for others; and,

WHEREAS, the members of the George Washington University Faculty Senate acknowledge the efforts made by the Office of the Vice Provost for Diversity and Inclusion to revise the interim policy based on recommendations provided to them by the Professional Ethics and Academic Freedom Subcommittee on the Interim Policy on Sexual Harassment and Sexual Violence; and

WHEREAS, members of the PEAFC Committee requested four additional changes from the Office of the Vice Provost for Diversity and Inclusion, but those changes were not accepted by that Office:

WHEREAS, the PEAFC Committee has concluded that those four requested changes, as described in the second resolving clause of this Resolution, are essential to guarantee fundamental fairness in the operation of the proposed SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES while allowing the University to comply fully with the "Dear Colleague Letter";

WHEREAS, the Faculty Senate recognizes that, as provided in Article IX.A. of the *Faculty Code*, the Faculty Senate plays an essential role in the governance of the University by participating with the Administration and the Board of Trustees in "the formulation of policy and planning decisions affecting the quality of education and life at the University," including policies such as the proposed SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

1. Recommends that the "SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES" should be adopted as University policy; and,
2. Some Faculty express concern that the following elements are lacking in the policy:
  - a. The policy does not contain a provision requiring the University to send written notices of the Policy and Procedures at least annually to all University stakeholders (including faculty, staff, students and parents of undergraduate students), including information relevant to the issue of consent and personal responsibility for acts committed while under the influence of alcohol or drugs;
  - b. The policy does not include a provision requiring that, in hearings for sexual violence cases, the University shall make arrangements so that either (i) the parties, testifying witnesses and hearing panel members can see and hear each other through the use of live videoconferencing facilities, or (b) the parties, testifying witnesses and hearing panel members are present in the same room and can hear each other, with the Complainant having the right to testify behind a screen; and

**ATTACHMENTS:**

- i. "SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY AND PROCEDURES" .
- ii. "Dear Colleague Letter" of Office for Civil Rights, Department of Education, April 4, 2011.
- iii. Comments of Professor Theodore Barnhill, SB
- iv. Comments of Professor Nicholas Kyriakopoulos, SEAS
- v. Comments of Professor Arthur Wilmarth, Law

Faculty Senate Committee on Professional Ethics and Academic Freedom

Charles A. Garris, Jr., Chair

May 2, 2013

**Adopted, as amended, May 10, 2013**